

EXTERNAL INSTRUCTIONS RE:
U.S. TRUSTEE'S PRESUMPTION OF ABUSE
11 U.S.C. §704

1. **New U.S. Trustee Filing Requirement:**

The U.S. Trustee shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under §707(b), and not later than 5 days after receiving the statement, the court shall provide a copy of the statement to all creditors.

2. **New Events:**

(Trustee/UST event) - Statement and Notice of Presumed Abuse
(Trustee/UST event) - Statement and Notice of Presumed Abuse (batch)

(1). The docketing of either of these events will generate a notice to all creditors, for chapter 7 individual consumers, where abuse arises. A clerk's notice will be automatically created by inserting the docket text from the event and will be served through the BNC. The UST will not see this form within the event.

(2). Text only entry with standardized language.

(3). Sets §707(b) flag to prevent autodischarge

(3). Resets private Means Test flag to MEANSYES if different.

Other New Events related to this new requirement:

UST's Motion Declining Dismissal of Case Under §521(i)(4)

Order on UST's Motion Declining Dismissal of Case under §521(i)(4) (docketing of this order removes the 707(b) flag in the case)

Debtor's Rebuttal of Presumption of Abuse

UST Statement of No Determination of Presumed Abuse

UST Statement of No Means Testing Documents Filed

UST Statement of Change of Presumed Abuse

3. **Amended Federal Rules to Implement Requirement:**

FRBP 2002(f)(10)

4. **New Flag**

§707(b) Public Flag, will stop autodischarge.

5. **New Clerk's Office Form**

A new form will be created when the Statement of Presumed Abuse event is docketed inserting the docket text into the form and will be sent to all creditors via the BNC.

last edited: 9/29/05